**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

3932P023

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Signature

Typed or printed
name Harleen Bains

Application No.

09/813,711

Filed

March 20, 2001

First Named Inventor

Debajit Ghosh

Art Unit

2655

Examiner

Opsasnick, Michael N.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

NOTE: No more than five (5) pages may be provided.

I am the:

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under of 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- ☒ Attorney or agent of record.
Registration Number 39,602
- ☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

Jordan M. Becker

Typed or printed name

(408) 720-8300

Telephone Number

January 06, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required.

☐ *Total of _____ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Pre Patent Application for:

Debajit Ghosh et al.

Serial No.: 09/813,711

Filing Date: March 20, 2001

For: METHOD AND APPARATUS FOR
IMPROVING HUMAN-MACHINE
DIALOGS USING LANGUAGE
MODELS LEARNED
AUTOMATICALLY FROM
PERSONALIZED DATA

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner: Opsasnick, Michael N.

Group Art Unit: 2655

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January 6, 2006

(Date of Deposit)

Harleen Bains

(Printed name)

H. Bains

(Signature)

January 6, 2006

(Date)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicants respectfully request pre-appeal brief review of the Final Office Action dated September 9, 2005. Submitted with this request is a Notice of Appeal under 37 C.F.R. § 41.31 and required fee, and an Amendment and Response to Final Office Action under 37 C.F.R. § 1.116.

Status of Claims

Claims 1-45 remain pending. Claims 1-4, 6, 9-16, 18-23, 25, 28-34, 36-41 and 43 stand rejected under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent no. 6,529,871 of Kanevsky et al. ("Kanevsky") in view of U.S. Patent no. 6,839,669 of Gould et al. ("Gould"). Claims 5, 17, 24, 35 and 42 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Kanevsky in view of Gould and further in view of IEEE 0-7803-4122-8/97 ("Kremer").

Remarks

The rejections in the Final Office Action are improper, due to clear factual errors by the examiner and the omission essential elements required to establish a *prima facie* rejection.

Claim 30 is representative of applicants' independent claims for purposes of discussing the present rejections. Claim 30 recites:

30. A method of facilitating speech recognition comprising:
 using an automated language model learning process to acquire a set of *language models for use by an automatic speech recognizer to recognize speech, based on PIM data* associated with a user;
 recognizing an utterance by the user by using one of the language models; and
 using the recognized utterance of the user to identify and access a *subset of the PIM data*. (Emphasis added.)

No combination of Kanevsky and Gould ("Kanevsky/Gould") could render claim 30 obvious, because: 1) Kanevsky/Gould do not teach all of the limitations of claim 30, and 2), there is no motivation or suggestion in the prior art to make applicants' invention. Although applicants' arguments are directed to the alleged *combination* of references, it is necessary to consider their individual disclosures, in order to ascertain what combination, if any, could be made from their teachings. See *Graham v. John Deere*, 383 U.S. 1, 17 (1965).

A. Kanevsky/Gould fail to disclose all of the limitations of the present invention.

Firstly, Kanevsky/Gould do not disclose or suggest an automated process to *learn* a set of *language* models, per claim 30. See applicants' arguments at pages 2-4 of Response to Office Action filed 7/22/05, which are incorporated herein by reference.

Secondly, assuming *arguendo* Kanevsky/Gould discloses PIM data and automatically learning language models from the PIM data, neither Kanevsky nor Gould discloses using automatic speech recognition *to allow the user to access that same PIM data* (i.e., the PIM data from which the language models were learned/acquired). See

applicants' arguments at pages 5-6 of Response to Office Action filed 7/22/05, which are incorporated herein by reference.

B. No motivation or suggestion in the prior art to provide the present invention.

When combining prior art references to establish obviousness, there must be something in the prior art to *suggest* the desirability of making the alleged combination. *In re Rouffet*, 149 F.3d 1350, 1356 (Fed. Cir. 1998). The examiner's statement of alleged motivation to combine Kanevsky and Gould is *clearly inadequate* and based on *improper* hindsight, i.e., hindsight based solely on applicants' disclosure. See applicants' arguments at pages 7-8 of Response to Office Action filed 7/22/05, which are incorporated herein by reference.

Response to examiner's remarks in Final Office Action

On pages 9-11 of the Final Office Action the examiner responds to applicants' prior arguments. As will now be explained, none of the examiner's response points have any merit.

1. On page 9 of the Final Office Action the examiner states, "As per applicant's arguments on page 3 of the response alleging that neither Kanevsky nor Gould discloses or suggest automatically learning a set of language models, examiner argues that this feature is not claimed in claim 30 . . ." (Final Office Action, p. 9).

Applicants' response is that claim 30 clearly recites an automated language model *learning* process.

2. On page 10 of the Final Office action, first full paragraph, the examiner states:

[A]pplicant now argues that Kanevsky does not teach language models (with Applicant defining a language model as a data set it is used by an automatic speech recognizer to recognize speech). Applicant then states that "Kanevsky does not even hint that the ability to automatically build anything could be construed as a language model within the meaning of the present application" (top of page 4 of the response). The

examiner disagrees and argues that Kanevsky does indeed recognize speech (in addition to the cited passages of Kanevsky presented above, see col. 8 lines 60-col. 9 line 5 --> when the user enters the post question, word recognition is being performed; Kanevsky is not solely performing the utterance detection, but both utterance and word recognition (see also col. 13 line 63-col. 14 lines 24; in addition the discussion of using natural language system, and word spotting).

The examiner apparently misses the point. The point is that while Kanevsky may disclose *using* language models to recognize speech, Kanevsky does not disclose *acquiring or learning or building* a set of language models, for use in recognizing speech, per the present invention.

3. On page 10 of the Final Office action, last paragraph, the examiner states:

"On pages 5-6 of the response, applicant makes an argument that neither prior art references [sic] teaches "to identify and access a subset of the PIM data"; examiner notes that applicant hinges the argument on the incorrect allegation that Kanevsky does not teach the recognition of speech"

The examiner misreads and/or oversimplifies applicants' argument. Applicants have not argued that Kanevsky does not teach the recognition of speech. Applicants *have* argued that "neither Kanevsky nor Gould discloses or suggests using an utterance of the user, which has been recognized by using a language model acquired from PIM data by an automated process, *to identify and access a subset of the same PIM data*."

The examiner further states, "The first two full paragraphs on page 6 of the response amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references (in this particular case, the discussion of the particulars of the Gould reference)."

Applicants' response is that their last response, filed 7/22/05, was very specific about which claim limitations are not disclosed in either Kanevsky or Gould (as to

Gould, see the last paragraph of p. 4 and the first paragraph on p. 6 of applicants' last response filed 7/22/05).

4. Finally, on page 11 of the Final Office action, the examiner responds to applicants' *hindsight* argument by alleging that "multiple reasons for motivation to combine the references is [sic] taught in Gould . . . The already presented multiple reasons to use the Gould reference clearly overcomes any allegation of hindsight reasoning . . ."

Applicants' response is that the examiner has *not* cited "multiple reasons" for motivation to combine Gould with Kanevsky. The examiner has cited aspects of disclosure in the references that have little relevance to applicants' invention as claimed, when considered as a whole. In fact, the only statement of alleged motivation to combine the references provided by the examiner thus far is: "because it would advantageously improve the speech recognition process" (Final Office Action, p. 5). The inadequacy of that statement is self-evident.

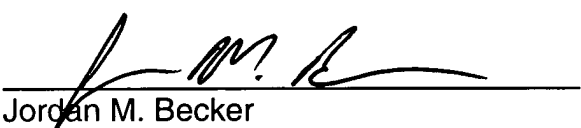
Conclusion

For the forgoing reasons, applicants respectfully request reversal of the rejections in the Final Office Action.

If any additional fee is required, please charge deposit account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: January 6, 2006


Jordan M. Becker
Reg. No. 39,602

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300